

# Notice of Allowability

Application No.

10/517,946

Applicant(s)

SCHORPP, MARCUS

Examiner

Jessica T. Stultz

Art Unit

2873

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks and Amendment filed October 25, 2007.
2. ☒ The allowed claim(s) is/are 1-5,7-10,14-17 and 19-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

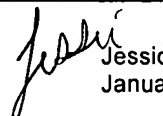
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 0707
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20080115.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Response to Arguments.

  
Jessica Stultz  
January 15, 2008

Allowed Claims: 1-5, 7-10, 14-17, 19-21

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shiming Wu on January 15, 2008.

The application has been amended as follows:

1. Cancel claim 11;
2. Claim 20, line 10, change "viscoelectric material" to --viscoelastic material--.

### ***Drawings***

Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Examiner's Comments***

For applicant's information, this application is in condition for allowance except for the presence of vague and indefinite claim 11. In a phone conversation with applicant's

representative, it was agreed that claim 11 would be cancelled to place the application in condition for allowance. Additionally, claim 20 was amended as shown above to correct a minor typographical error.

### ***Response to Arguments***

Applicant's arguments see Remarks, filed October 25, 2007, with respect to claims 1-5 and 7-10 have been fully considered and are persuasive. The Examiner's basis for allowability of independent claim 1 (and therefore dependent claims 2-5 and 7-10), as amended, is the same as those set forth within the Response filed October 25, 2007, specifically pages 7-8. The rejection of claims 1-5 and 7-10 has been withdrawn.

For applicant's information, the amendments to independent claim 1 overcome the previous double patenting rejection of claims 1-2, 4, 12-14, and 16, in view of Schorpp '310.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding independent claim 19, none of the prior art alone or in combination discloses or teaches of a display device comprising a plurality of light modulating cells, each cell comprising an interface between a first deformable dielectric layer consisting of a viscoelastic relief forming material and a second deformable dielectric layer, the layers located between first and second electrodes, and a signal supplier for applying a voltage between the electrodes to create a surface relief on the first layer as claimed, specifically wherein the cells also comprise an enhancement electrode and an enhancement signal supplier arranged to apply a pulsed

enhancement signal voltage between the enhancement electrode and the second electrode during flattening of the surface relief in order to enhance relaxation of the first layer.

Specifically regarding independent claim 20, none of the prior art alone or in combination discloses or teaches of a method of creating and flattening a relief in a viscoelastic material layer using first and second electrodes, an interface between a first deformable dielectric layer consisting of a viscoelastic relief forming material and a second deformable dielectric layer, wherein the layers are located between the first and second electrodes, and applying a signal voltage between the electrodes to create a surface relief on the viscoelastic material as claimed, specifically wherein the method comprises applying a pulsed enhancement voltage between the second electrode and an enhancement electrode during flattening of the surface relief in order to enhance relaxation of the first layer.

### *Conclusion*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

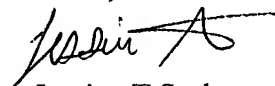
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jessica T Stultz  
Primary Examiner  
Art Unit 2873  
January 15, 2008